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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/21/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM BALDWIN,   :   07 Civ. 6958 (RJH)(MHD)

               Plaintiff,   :

           -against-   :   **ORDER**

MICHAEL J. ASTRUE,   :
Commissioner of Social Security   :

           Defendants.   :

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On October 22, 2009, Magistrate Judge Michael H. Dolinger issued a

Report and Recommendation ("Report") granting in part plaintiff's motion, denying the

Commissioner's motion, and remanding to the Commissioner for further proceedings.

To date, the Court has neither received any objections to the Report nor any other

communication, such as a letter requesting an extension of time in which to file

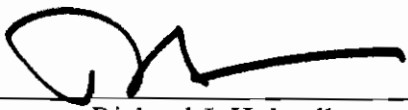objections, from the Commissioner.

The district court adopts a Magistrate Judge's report and recommendation when

no clear error appears on the face of the record. *See Nelson v. Smith*, 618 F. Supp. 1186,

1189 (S.D.N.Y. 1985). However, the court is required to make a de novo determination

of those portions of a report to which objection is made, 28 U.S.C. § 636(b)(1)(C), by

reviewing "the Report, the record, applicable legal authorities, along with Plaintiff's and

Defendant's objections and replies." *Badhan v. Lab. Corp. of Am.*, 234 F. Supp. 2d 313,

316 (S.D.N.Y. 2002). The court may then accept, reject, or modify in whole or in part

recommendations of the Magistrate Judge. *See Nelson*, 618 F. Supp. at 1189. If a party

fails to object to a report within 14 days of being served with the report, that party waives

their right to object and appellate review of the district court's decision adopting the

report, absent unusual circumstances, is precluded. *See United States v. Male Juvenile,*

121 F.3d 34, 38 (2d Cir. 1997).

The Court finds that no clear error appears on the face of the record and

hereby adopts the Report. The Clerk shall close this case.

SO ORDERED.

Dated: New York, New York
         December 18, 2009

                                        Richard J. Holwell
                                        United States District Judge